

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant	: Keiichi KOSHIBA	Group Art Unit: 2424
Appln. No.	: 09/610,107	Examiner: A. Q. Shang
Filed	: July 5, 2000	Confirmation No.: 4696
For	: DATA MANAGEMENT METHOD AND SYSTEM, AND APPARATUS USED THEREIN	

APPEAL BRIEF UNDER 37 C.F.R. §41.37

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Appeal Brief - Patents
Randolph Building
401 Dulany Street
Alexandria VA 22314

Sir:

This appeal is from the rejection of claims 50-51, 54-75 and 84-89, as set forth in the Final Office Action of October 24, 2008.

A Notice of Appeal and a Pre-Appeal Brief Request for Review were filed on January 12, 2009 in response to the Final Office Action of October 24, 2008, and the one-month period for filing an Appeal Brief following a Panel Decision from Pre-Appeal Brief Review dated February 26, 2009 was set to expire on March 26, 2009.

The requisite fee for filing an Appeal Brief under 37 C.F.R. §41.20(b) (2) is submitted concurrently herewith. However, if for any reason the necessary fee is not associated with this file or the concurrently submitted fee is inadequate, the Commissioner is authorized to charge the fee for the Appeal Brief and any necessary extension of time fees to Deposit Account No. 19-0089.

(1) **REAL PARTY IN INTEREST**

The real party in interest is Matsushita Electric Industrial Co., Ltd., as established by an Assignment recorded in the U.S. Patent and Trademark Office on October 5, 2000, at Reel 011235 and Frame 0310.

(2) **RELATED APPEALS AND INTERFERENCES**

No related appeals and/or interferences are pending.

(3) **STATUS OF THE CLAIMS**

Claims 50-51, 54-75 and 84-89, all of the claims pending in this application, stand finally rejected and are the subject of this appeal. Appellant appeals the final rejection of claims 50-51, 54-75 and 84-89. A copy of claims 50-51, 54-75 and 84-89 is attached as an Appendix to this brief.

Claims 1-49, 52-53, and 76-83 cancelled.

(4) **STATUS OF THE AMENDMENTS**

No amendments to the claims were filed under 37 C.F.R. § 1.116 after the final rejection of the claims of October 24, 2008.

(5) **SUMMARY OF THE CLAIMED SUBJECT MATTER**

Initially, Appellant notes that the following descriptions are made with respect to the independent claims and include references to particular parts of the specification. As such, the

following are merely exemplary and are not a surrender of other aspects of the present invention that are also enabled by the present specification as well as those that are directed to equivalent structures or methods.

Independent claim 50 recites a data management method, comprising: providing a plurality of information units, each information unit being a part of a broadcast program and carrying information representing one of various items in said broadcast program, said broadcast program being provided to an information recipient by a unidirectional communication from an information provider; receiving, at an information manager from a first communications device associated with an information recipient, and independently of a second communications device distinct from the first communications device, an information recipient verification data that identifies the information recipient and identifying data particular to and distinctly identifying an information unit selected by the information recipient, the identifying data being stored in a database in association with the information recipient verification data when the information manager receives the identifying data and information recipient verification data, and the identifying data being linked in the database to reference data associated with and defining features of the information unit selected by the information recipient; and permitting access to the information manager from the second communications device independently of the first communications device, wherein, upon sending the information recipient verification data from the second communications device to the information manager, the database enables access from the second communications device to the identifying data associated to said information recipient verification data, and in turn, to the reference data linked to the identifying data, over a path different from a path over which the information manager receives the information recipient verification data and identifying data from the first communications device.

In this regard, exemplary embodiments of the present specification are shown in Figures 1-13 and disclosed at pages 33-70, and particularly in an embodiment disclosed with respect to Figures 1 and 8 at page 34, line 11 to page 39, line 18. The exemplary embodiments disclose a data management method, comprising: providing (page 34, lines 17-20) a plurality of information units (5), each information unit (5) being a part of a broadcast program and carrying information representing one of various items in said broadcast program, said broadcast program being provided (page 34, lines 17-20) to an information recipient by a unidirectional communication from an information provider (1); receiving (page 37, lines 9-15), at an information manager (3) from a first communications device (2) associated with an information recipient, and independently (page 37, lines 20-24) of a second communications device (15, 16) distinct from the first communications device (2), an information recipient verification data (page 38, lines 16-18) that identifies the information recipient and identifying data (page 38, lines 4-8) particular to and distinctly identifying an information unit (5) selected by the information recipient, the identifying data (page 38, lines 4-8) being stored (page 38, lines 16-20) in a database (9) in association with the information recipient verification data (page 38, lines 16-18) when the information manager (3) receives the identifying data (page 38, lines 4-8) and information recipient verification data (page 38, lines 16-18), and the identifying data (page 38, lines 4-8) being linked in the database (9) to reference data (6) associated with and defining features of the information unit (5) selected by the information recipient; and permitting (page 37, lines 20-24) access to the information manager (3) from the second communications device (15, 16) independently (page 37, lines 20-24) of the first communications device (2), wherein, upon sending the information recipient verification data (page 38, lines 16-18) from the second communications device (15, 16) to the information manager (3), the database (9) enables access

from the second communications device (15, 16) to the identifying data (page 38, lines 4-8) associated to said information recipient verification data (page 38, lines 16-18), and in turn, to the reference data (6) linked to the identifying data (page 38, lines 4-8), over a path different from a path over which the information manager (3) receives the information recipient verification data (page 38, lines 16-18) and identifying data (page 38, lines 4-8) from the first communications device (2).

Independent claim 75 recites an information manager that receives, from a first communications device associated with an information recipient, and independently of a second communications device distinct from the first communications device, an information recipient verification data that identifies the information recipient and an identifying data particular to and distinctly identifying an information unit selected by the information recipient, a plurality of information units being provided to the information recipient as a part of a broadcast program by a unidirectional communication from an information provider and carrying information representing one of various items in the program, the identifying data being stored in a database in association with the information recipient verification data when the information manager receives the identifying data and information recipient verification data, and the identifying data being linked in the database to reference data associated with the information unit selected by the information recipient, the information manager permitting access from the second communications device independently of the first communications device, wherein, upon sending the information recipient verification data from the second communications device to the information manager, the database enables access from the second communications device to the identifying data associated to said information recipient verification data, and in turn, to the reference data linked to the identifying data over a path different from a path over which the

information manager receives the information recipient verification data and identifying data from the first communications device.

In this regard, exemplary embodiments of the present specification are shown in Figures 1-13 and disclosed at pages 33-70, and particularly in an embodiment disclosed with respect to Figures 1 and 8 at page 34, line 11 to page 39, line 18. The exemplary embodiments disclose an information manager (3) that receives, from a first communications device (2) associated with an information recipient, and independently (page 37, lines 20-24) of a second communications device (15, 16) distinct from the first communications device (2), an information recipient verification data (page 38, lines 16-18) that identifies the information recipient and an identifying data (page 38, lines 4-8) particular to and distinctly identifying an information unit (5) selected by the information recipient, a plurality of information units being provided (page 34, lines 17-20) to the information recipient as a part of a broadcast program by a unidirectional communication from an information provider (1) and carrying information representing one of various items in the program, the identifying data (page 38, lines 4-8) being stored (page 38, lines 16-20) in a database (9) in association with the information recipient verification data (page 38, lines 16-18) when the information manager (3) receives the identifying data (page 38, lines 4-8) and information recipient verification data (page 38, lines 16-18), and the identifying data (page 38, lines 4-8) being linked in the database (9) to reference data (6) associated with the information unit (5) selected by the information recipient, the information manager (3) permitting (page 37, lines 20-24) access from the second communications device (15, 16) independently (page 37, lines 20-24) of the first communications device (2), wherein, upon sending the information recipient verification data (page 38, lines 16-18) from the second communications device (15, 16) to the information manager (3), the database (9) enables access

from the second communications device (15, 16) to the identifying data (page 38, lines 4-8) associated to said information recipient verification data (page 38, lines 16-18), and in turn, to the reference data (6) linked to the identifying data (page 38, lines 4-8) over a path different from a path over which the information manager (3) receives the information recipient verification data (page 38, lines 16-18) and identifying data (page 38, lines 4-8) from the first communications device (2).

Independent claim 84 recites a data management method, comprising: providing a plurality of information units, each information unit being a part of a broadcast program and carrying information representing one of various items in the program, said broadcast program being provided to an information recipient by a unidirectional communication from an information provider; selecting an information unit by the information recipient associated with and using a first communications device distinct from a second communications device; transmitting from the first communications device to the information manager independently of the second communications device, when the information recipient selects the information unit, an information recipient verification data that identifies the information recipient and an identifying data particular to and distinctly identifying each selected information unit selected by the information recipient; storing in a database, by one of the information manager and an external device, the identifying data transmitted to the information manager, when the information manager receives the identifying data, the database associating reference data linked to the identifying data with at least one information recipient verification data that identifies an information recipient; and accessing the information manager from the second communications device independently of the first communications device, whereby the database enables identification of reference data linked to the identifying data of the selected information unit in

the database, and transmission of the reference data to the second communications device over a path different from a path over which the first communications device transmits the identifying data to the information manager.

In this regard, exemplary embodiments of the present specification are shown in Figures 1-13 and disclosed at pages 33-70, and particularly in an embodiment disclosed with respect to Figures 1 and 8 at page 34, line 11 to page 39, line 18. The exemplary embodiments disclose a data management method, comprising: providing (page 34, lines 17-20) a plurality of information units (5), each information unit (5) being a part of a broadcast program and carrying information representing one of various items in the program, said broadcast program being provided (page 34, lines 17-20) to an information recipient by a unidirectional communication from an information provider (1); selecting an information unit (5) by the information recipient associated with and using a first communications device (2) distinct from a second communications device (15, 16); transmitting from the first communications device (2) to the information manager (3) independently (page 37, lines 20-24) of the second communications device (15, 16), when the information recipient selects the information unit (5), an information recipient verification data (page 38, lines 16-18) that identifies the information recipient and an identifying data (page 38, lines 4-8) particular to and distinctly identifying each selected information unit (5) selected by the information recipient; storing (page 38, lines 16-20) in a database (9), by one of the information manager (3) and an external device, the identifying data (page 38, lines 4-8) transmitted to the information manager (3), when the information manager (3) receives the identifying data (page 38, lines 4-8), the database (9) associating reference data (6) linked to the identifying data (page 38, lines 4-8) with at least one information recipient verification data (page 38, lines 16-18) that identifies an information recipient; and accessing the

information manager (3) from the second communications device (15, 16) independently (page 37, lines 20-24) of the first communications device (2), whereby the database (9) enables identification of reference data (6) linked to the identifying data (page 38, lines 4-8) of the selected information unit (5) in the database (9), and transmission of the reference data (6) to the second communications device (15, 16) over a path different from a path over which the first communications device (2) transmits the identifying data (page 38, lines 4-8) to the information manager (3).

Independent claim 85 recites a data management system, comprising: an information provider that provides a plurality of information units, each information unit being a part of a broadcast program and carrying information representing one of various items in the program, said broadcast program being provided to an information recipient by a unidirectional communication from the information provider; a first communications device associated with the information recipient and transmitting independently of a second communications device distinct from the first communications device, when the information recipient selects the information unit, an information recipient verification data that identifies the information recipient and an identifying data particular to and distinctly identifying each selected information unit; an information manager that receives the information recipient verification data and the identifying data, particular to and distinctly identifying each selected information unit, from the first communications device; a database that stores, by one of the information manager and an external device, the identifying data transmitted to the information manager, when the information manager receives the identifying data, the database associating reference data linked to the identifying data with at least one information recipient verification data that identifies an information recipient, wherein the information manager is accessible from the second

communications device independently of the first communications device, and wherein the database enables identification of reference data linked to the identifying data of the selected information unit in the database, and transmission of the reference data to the second communications device over a path different from a path over which the first communications device transmits the information recipient verification data and identifying data to the information manager.

In this regard, exemplary embodiments of the present specification are shown in Figures 1-13 and disclosed at pages 33-70, and particularly in an embodiment disclosed with respect to Figures 1 and 8 at page 34, line 11 to page 39, line 18. The exemplary embodiments disclose a data management system, comprising: an information provider (1) that provides (page 34, lines 17-20) a plurality of information units (5), each information unit (5) being a part of a broadcast program and carrying information representing one of various items in the program, said broadcast program being provided (page 34, lines 17-20) to an information recipient by a unidirectional communication from the information provider (1); a first communications device (2) associated with the information recipient and transmitting independently (page 37, lines 20-24) of a second communications device (15, 16) distinct from the first communications device (2), when the information recipient selects the information unit (5), an information recipient verification data (page 38, lines 16-18) that identifies the information recipient and an identifying data (page 38, lines 4-8) particular to and distinctly identifying each selected information unit (5); an information manager (3) that receives the information recipient verification data (page 38, lines 16-18) and the identifying data (page 38, lines 4-8), particular to and distinctly identifying each selected information unit (5), from the first communications device (2); a database (9) that stores (page 38, lines 16-20), by one of the information manager (3) and an external device, the

identifying data (page 38, lines 4-8) transmitted to the information manager (3), when the information manager (3) receives the identifying data (page 38, lines 4-8), the database (9) associating reference data (6) linked to the identifying data (page 38, lines 4-8) with at least one information recipient verification data (page 38, lines 16-18) that identifies an information recipient, wherein the information manager (3) is accessible from the second communications device (15, 16) independently (page 37, lines 20-24) of the first communications device (2), and wherein the database (9) enables identification of reference data (6) linked to the identifying data (page 38, lines 4-8) of the selected information unit (5) in the database (9), and transmission of the reference data (6) to the second communications device (15, 16) over a path different from a path over which the first communications device (2) transmits the information recipient verification data (page 38, lines 16-18) and identifying data (page 38, lines 4-8) to the information manager (3).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The Decision to Reject Claims 50-51, 54-75 and 84-89 under 35 U.S.C. §102(e), or alternatively under 35 U.S.C. §103(a), over FERRIS et al. (U.S. Patent Application Publication No. 2006/0288374).

(7) ARGUMENT

The Decision to Reject Claims 50-51, 54-75 and 84-89 under 35 U.S.C. §102(e), or alternatively under 35 U.S.C. §103(a), over FERRIS is Improper, and the Decision to Reject Claims 50-51, 54-75 and 84-89 on this Ground Should be Reversed.

Claim 50

In the Final Office Action, claims 50-51, 54-75 and 84-89 were rejected under 35 U.S.C. §102(e), or alternatively under 35 U.S.C. §103(a), over FERRIS et al. (U.S. Patent Application

Publication No. 2006/0288374). A summary explanation of the teachings of FERRIS is provided below prior to a discussion of the differences between FERRIS and the features recited in the pending claims.

FERRIS discloses features relating to a remote control device for consumer broadcast receivers, and particularly television and radio receivers. An exemplary remote control device in FERRIS is shown in Figure 1. However, the most relevant context for explaining the teachings of FERRIS is the disclosure in FERRIS relating to and shown in Figure 3 of FERRIS.

Figure 3 of FERRIS shows an interactive broadcast system. Broadcasters 402 generate content from sources 403, and the content may include program content from primary commercial broadcasters and inserted content from sponsors 401. A transmission mechanism 404 is used to broadcast the content to a user's home 416. A broadcast receiver 405 at the user's home 416 is used to acquire, reconstruct and display the content. FERRIS specifies that the path by which content is disseminated from broadcasters 402 to broadcast receivers 405 is termed the primary broadcast chain.

In FERRIS, program associated data (PAD) is compiled for each broadcast channel, and this program associated data (PAD) is fed before cue points in a broadcast program to a PAD scheduler 411 at a central processing station 420. As should be evident in the name, program associated data (PAD) is data associated with a broadcast program; thus the reason for cueing the broadcast of program associated data (PAD) with the program content.

As clearly seen in Figure 3 of FERRIS, and described in the accompanying text, program associated data (PAD) is broadcast to a handset 417 in the user's home 417 via a radio service provider 414. The program content is broadcast from a broadcast Content T/X 404 to the

broadcast receiver 405. Feedback from the handset 417 is transmitted to the central processing station 420 via the radio service provider 415.

Content provided by Content T/X 404 in FERRIS is a broadcast program. The program associated data (PAD) is separate from content provided by the Content T/X 404. Indeed, the program associated data (PAD) in FERRIS is provided in an entirely separate communication from a broadcast program. That is, the program associated data (PAD) is provided by the radio service provider 414, and not by the Content T/X 404.

FERRIS also discloses program associated data unique identification (PADUID). This program associated data unique identification (PADUID) in FERRIS is transmitted with the program associated data (PAD) by the radio service provider 414. The cellular paging system of the radio service providers 414/415 in FERRIS is not the system that provides the underlying broadcast program in FERRIS, and program associated data (PAD) or program associated data unique identification (PADUID) in FERRIS is not provided as part of the underlying broadcast program in FERRIS.

In FERRIS, a home computer 419 in the user's home 416 can show a transaction history held in a database 410 of the central processing station 420. As described at page 15, users of the home computer 419 can review transaction histories held in the database 410, and have access to all the facilities offered by the handset 417, but in greater detail and with full graphical support. This transaction history is not detailed further in FERRIS. However, as further explained below, a transaction history might be understood to include transaction records for purchases of items. In any event, page 15 of FERRIS would be understood as teaching greater detail and graphical support using a home computer 419 in comparison to a handset 417.

FERRIS does not disclose or suggest “information units” as recited in claim 50

In FERRIS, content provided by Content T/X 404 does not include “information units” as recited in claim 50. That is, neither the broadcast content in FERRIS nor the program associated data (PAD) in FERRIS discloses the characteristic features of the “information units” recited in claim 50. Therefore, FERRIS does not disclose or suggest “providing a plurality of information units, each information unit being a part of a broadcast program and carrying information representing one of various items in said broadcast program, said broadcast program being provided to an information recipient by a unidirectional communication from an information provider”, as recited in claim 50.

In this regard, broadcast content in FERRIS very specifically does not include the program associated data (PAD), and there is no similar information in FERRIS that is carried as part of the broadcast content. The program associated data (PAD) itself is synchronized with a broadcast program and transmitted separately from the broadcast program in FERRIS, precisely because the program associated data (PAD) is not part of the broadcast program. FERRIS specifically shows in Figure 3 and the accompanying description that only the broadcast content from broadcasters 402 and sources 403 is transmitted by the Content T/X 404. Thus, program associated data (PAD) is not “a part of a broadcast program”.

Furthermore, the only truly “unidirectional” communication shown in FERRIS is the broadcast from Content T/X 404 to the Content R/X/ 405, as would be expected by one knowledgeable of broadcasting such as television and radio. FERRIS specifically shows that the handset 417 interacts with the radio service provider 414/415 as a bi-directional communication.

Thus, program associated data (PAD) is not provided as part of a broadcast program provided by a “unidirectional communication”.

Therefore, program associated data (PAD) in FERRIS does not disclose the “information units” in claim 50, and FERRIS does not disclose or suggest “providing a plurality of information units, each information unit being a part of a broadcast program and carrying information representing one of various items in said broadcast program, said broadcast program being provided to an information recipient by a unidirectional communication from an information provider”, as recited in claim 50.

As explained above, program associated data (PAD), and not content provided by Content T/X 404 in FERRIS, is analogous to the information units in claim 50. However, the program associated data (PAD) in FERRIS is provided in an entirely separate communication from a broadcast program (i.e., via a radio service provider 414, and not by the Content T/X 404), and the separate communication is further not “unidirectional” as the meaning of the term would be understood by one of ordinary skill in the art of broadcasting. Thus, neither programming content nor program associated data (PAD) in FERRIS disclose or render obvious the information units recited in claim 50.

Additionally, FERRIS discloses program associated data unique identification (PADUID). However, similar to program associated data PAD, program associated data unique identification (PADUID) in FERRIS is transmitted by a radio service provider 414. The cellular paging system of the radio service providers 414/415 is not the system that provides the underlying broadcast program in FERRIS, and program associated data (PAD) or program associated data unique identification (PADUID) in FERRIS is not provided as part of the underlying broadcast program in FERRIS. Thus, program associated data unique identification

(PADUID) in FERRIS also does not disclose or render obvious the information units recited in claim 50.

FERRIS does not disclose or suggest the characteristics of the combination of “information units”, “information recipient verification data”, “identifying data” and “reference data” as recited in claim 50

According to claim 50, an information recipient uses a first communications device to send to an information manager an information recipient verification data that identifies the information recipient and identifying data particular to and distinctly identifying an information unit selected by the information recipient. As an explanatory contextual example for these features, this might be considered to correspond to a television viewer being presented with information units for a show being watched by the television viewer. The information units might be selectable information for clothes being worn by a model or a restaurant being visited by a food critic. The television viewer can select the selectable information units using, e.g., a remote control, and the information recipient verification data and identifying data particular to and distinctly identifying the selected information unit are then sent to the information manager. Thus, this first communications device might be considered analogous to the handset 417 in Figure 3 of FERRIS.

In the example for claim 50 above, the identifying data is stored in a database in association with the information recipient verification data. The identifying data is also linked in the database to reference data associated with and defining features of the information unit selected by the information recipient. This identifying data might be, for example, a list of prices and retailers that sell selected clothes or locations and menus for the selected restaurant in the

examples above. According to claim 50, access to the information manager is permitted to a second communications device independently of the first communications device. This second communications device might be considered analogous to an optional home computer 419 in Figure 3 of FERRIS.

In claim 50, reference data is associated with and defines features of an information unit selected by the information recipient. The reference data is linked in a database to identifying data that is particular to and distinctly identifies an information unit selected by the information recipient. At page 15, FERRIS discloses that a home computer 419 allows users to review transaction histories in the database 410, and allows users access to all the facilities offered by the handset 417, but in greater detail and with full graphical support. However, these “transaction histories” do not disclose or suggest the reference data as in claim 50. That is, in the descriptions set forth above and in Appellant’s specification, reference data according to the pending claims is not disclosed or suggested by results of user interaction, such as transaction histories, disclosed at page 15 in FERRIS. Reference data is not the same as the identifying data of an information unit in claim 50, whereas a transaction history in FERRIS would be expected to include no more than identifying data for an item selected (i.e., transacted) by the user in FERRIS, and perhaps details of the transaction (e.g., price) but not details associated with and defining features of a selected information unit.

There is no disclosure in FERRIS of reference data “associated with an defining features of the information unit” selected by the information recipient, and there is no explanation provided in the rejections as to how a transaction history would meet or suggest these characteristic features of Appellant’s claim 50. In any event, this transaction history is not detailed further in FERRIS, and therefore any rejection of claim 50 over FERRIS is necessarily

based on mere conjecture that such transaction histories might include features of the “reference data” recited in claim 50. Such conjecture is unsupported, and does not form a proper basis for the rejection of claim 50 under 35 U.S.C. §102 or 35 U.S.C. §103.

As explained above, none of program associated data (PAD), program associated data unique identification (PADUID), or broadcast content in FERRIS disclose or suggest the characteristics uses of “information units” as in claim 50, i.e., each being “part of a broadcast program and carrying information representing one of various items in a broadcast program”. Further, transaction histories in FERRIS do not disclose or suggest the “reference data” as recited in claim 50.

That is, for program associated data (PAD) in FERRIS to disclose or suggest “information units” in claim 50, such program associated data (PAD) would have to be:

- provided as “a part of a broadcast program”
- provided to an information recipient by a “unidirectional communication”

Additionally, for transaction histories in FERRIS to disclose or suggest “reference data” in claim 50, such transaction histories would have to be:

- linked in a database to identifying data that is particular to and distinctly identifying of an information unit selected by an information recipient
- associated with and defining features of an information unit selected by the information recipient
- accessible in the database to a second communications device upon (i.e., “in turn, to”) the identifying data being accessed by the second communications device.

As none of the above-noted bullet-pointed features are true in FERRIS, and as the Examiner has not shown any proper explanation as to how and/or why it would be obvious to modify FERRIS to obtain such features, the rejection of claim 50 under 35 U.S.C. §102(e), or alternatively under 35 U.S.C. §103(a), is improper and should be reversed.

Claims 51 and 54-74

Claims 51 and 54-74 are also patentable, at least for the reason that these claims depend from an allowable claim 50, respectively, and because these claims recite additional features that further define the invention to which claim 50 is directed. Further, claims 51 and 54-74 are separately patentable over FERRIS, which fails to disclose or suggest Appellant's claimed combinations including, inter alia:

(i) *the data management method of claim 50, wherein the information unit from the information provider is received at the first communication device (claim 51)*

(ii) *the data management method of claim 50, wherein the information recipient verification data and the identifying data are received from the first communications device based on a signal received from a remote controller generated when the information recipient selects the information unit, and wherein the remote controller comprises a plurality of information designating buttons for separate individuals, each information designating button corresponding to a different information recipient verification data (claim 54)*

(iii) *the data management method of claim 50, wherein the information unit is received by and presented to the information recipient using a information unit receiving device, and*

wherein a portable controller is used to select the information unit (claim 55)

(iv) the data management method of claim 50, wherein the information recipient verification data comprises one of a personal identification that uniquely identifies an individual information recipient, and a group identification that identifies a group of associated individual information recipients (claim 56)

(v) the data management method of claim 50, wherein the identifying data comprises at least one of a time when the information recipient selects the information unit, and a channel by which the information recipient receives the information unit (claim 57)

(vi) the data management method of claim 50, wherein the identifying data comprises codes which identify the selected information unit, the codes being applied to the information unit prior to the information unit being provided to the information recipient (claim 58)

(vii) the data management method of claim 50, wherein the reference data comprises at least one of detailed information which describes the selected information unit and detailed information which describes a subject of the selected information unit (claim 59)

(viii) the data management method of claim 50, wherein the reference data comprises at least one of date indicating information which indicates a date when the information unit is selected, a program indicating information which indicates an identity of the selected information unit as a media program, a program genre indicating information which indicates a

genre of the selected information unit, a region indicating information which indicates a region in which the selected information unit is selected, and a sponsor indicating information which identifies a sponsor of the selected information unit (claim 60)

(ix) the data management method according to claim 50, wherein the reference data comprises at least one of date indicating information, program indicating information, program genre indicating information, region indicating information, and sponsor indicating information, wherein at least one of the date indicating information, the program indicating information, the program genre indicating information, the region indicating information, and the sponsor indicating information is retrieved by the second communications device as at least one retrieval key using the information manager, and wherein the at least one retrieved retrieval key is displayed on the second communications device in order based on frequency of usage (claim 61)

(x) the data management method of claim 50, wherein the information unit comprises at least one of audio information and video information (claim 62)

(xi) the data management method of claim 50, wherein the information unit comprises information included in printed material (claim 63)

(xii) the data management method of claim 50, wherein the information unit comprises at least one of broadcast information, aired information, and information disclosed at an event (claim 64)

(xiii) *the data management method of claim 50, further comprising: storing in the database, by the information manager, the information recipient verification data and the identifying data (claim 65)*

(xiv) *the data management method of claim 50, wherein the information recipient verification data and the identifying data are stored in the database by an apparatus external to the information manager (claim 66)*

(xv) *the data management method of claim 50, further comprising: storing in the database, by the information manager, the reference data (claim 67)*

(xvi) *the data management method of claim 50, wherein the reference data is stored in the database by an apparatus external to the information manager (claim 68)*

(xvii) *the data management method of claim 50, wherein the reference data is added to the information unit prior to the information unit being selected by the information recipient (claim 69)*

(xviii) *the data management method of claim 50, wherein the information manager calls at least one of the information unit and the reference data upon receiving the information recipient verification data and the identifying data, the called at least one of the information unit*

and the reference data being stored in the database in association with the information recipient verification data (claim 70)

(xix) the data management method of claim 50, further comprising: receiving the information unit at the information manager; and storing the information unit in the database by the information manager (claim 71)

(xx) the data management method of claim 50, further comprising: receiving the information unit at the information manager, wherein the information unit is stored in the database by an apparatus external to the information manager (claim 72)

(xxi) the data management method of claim 50, wherein the information recipient receives the information unit using at least one of a set top box and a television receiver (claim 73)

(xxii) the data management method of claim 50, wherein the information recipient verification data comprises one of a code particular to an information unit receiving device, a code particular to an identifying data transmission device, and a code particular to the information recipient who selects the information unit (claim 74).

Claim 51

For example, the rejection is based on the assumption that the handset 417 in FERRIS would disclose or suggest the “first communication device”. However, if this were taken as true,

such a handset 417 in FERRIS is not the device that receives *the information unit from the information provider*” as recited in claim 51. Rather, the handset 417 does not receive anything that is part of a broadcast program as recited in underlying claim 50.

Claim 54

Additionally for example, the object of FERRIS is a remote controller-type device. However, nowhere does FERRIS disclose or suggest that such a remote controller *comprises a plurality of information designating buttons for separate individuals, each information designating button corresponding to a different information recipient verification data*, as recited in claim 54. While Figures 2D and 2K show displayable choices for different users of a remote control, these choices are not dedicated physical characteristics such as a “button” for each such user.

Claims 60 and 61

Furthermore, “reference data” as recited in claims 60 and 61 is consistent with the above exemplary explanations of “reference data”, and a transaction history as in FERRIS does not disclose, explicitly or inherently, or suggest any characteristics of the “reference data” as recited in these claims.

For at least the reasons set forth above, FERRIS fails to disclose or suggest each of the above additional limitations of these dependent claims, and the rejection of claims 51 and 53-74 under 35 U.S.C. 102(e), or alternatively under 35 U.S.C. §103(a), over FERRIS, is improper and should be withdrawn.

Claim 75

Claim 75 is patentable over FERRIS for reasons similar to the above-noted reasons set forth as to the allowability of claim 50. The combination of features recited in independent claim 75 are not disclosed or suggested by the teachings of FERRIS. In this regard, with respect to the summary explanation above of the teachings of FERRIS, FERRIS does not disclose or suggest an information manager that receives... identifying data particular to and distinctly identifying an information unit selected by the information recipient, a plurality of information units being provided to the information recipient as a part of a broadcast program by a unidirectional communication from an information provider and carrying information representing one of various items in the program, as recited in claim 75. Further, FERRIS does not disclose or suggest that reference data is linked in a database to identifying data, where the information manager permits access from the second communications device independently of the first communications device and where the database enables access from the second communications device to the reference data upon the identifying data being accessed by the second communications device.

Accordingly, FERRIS does not disclose or suggest each and every feature recited in independent claim 75, as would be required for the rejection of claim 75 under 35 U.S.C. §102(e), or alternatively under 35 U.S.C. §103(a), over FERRIS, to be proper. At least for each and all of the reasons set forth above, claim 75 is not disclosed or suggested by the teachings of FERRIS. Accordingly, the rejection of claim 75 over FERRIS is improper and should be withdrawn.

Claim 84

The combination of features recited in independent claim 84 are also not disclosed or suggested by the teachings of FERRIS. In this regard, with respect to the summary explanation above of the teachings of FERRIS, FERRIS does not disclose or suggest providing a plurality of information units as each as part of a broadcast program and carrying information representing one of various items in the program, said broadcast program being provided to an information recipient by a unidirectional communication from an information provider, as recited in claim 84. Further, FERRIS does not disclose or suggest reference data linked in a database to identifying data, as recited in claim 84, or enabling access in the database to identification of reference data linked to the identifying data of a selected information unit, as recited in claim 84.

Accordingly, FERRIS does not disclose or suggest each and every feature recited in independent claim 84, as would be required for the rejection of claim 84 under 35 U.S.C. §102(e), or alternatively under 35 U.S.C. §103(a), over FERRIS to be proper. At least for each and all of the reasons set forth above, claim 84 is not disclosed or suggested by the teachings of FERRIS. Accordingly, the rejection of claim 84 over FERRIS is improper and should be withdrawn.

Claim 85

The combination of features recited in independent claim 85 are also not disclosed or suggested by FERRIS. In this regard, with respect to the summary explanation above of the teachings of FERRIS, FERRIS does not disclose or suggest an information provider that provides a plurality of information units, each information unit being a part of a broadcast program and carrying information representing one of various items in the program, said broadcast program being provided to an information recipient by a unidirectional communication

from the information provider, as recited in claim 85. FERRIS also does not disclose or suggest a database that stores reference data linked to identifying data, where the reference data is identifiable in the database using the identifying data, as in claim 85.

Accordingly, FERRIS does not disclose or suggest each and every feature recited in independent claim 85, as would be required for the rejection of claim 85 under 35 U.S.C. §102(e), or alternatively under 35 U.S.C. §103(a), over FERRIS, to be proper. At least for each and all of the reasons set forth above, claim 85 is not disclosed or suggested by the teachings of FERRIS. Accordingly, the rejection of claim 85 over FERRIS is improper and should be withdrawn.

Claims 86-89

Claims 86 depend, respectively, from claims 50, 75, 84 and 85, and each recite features that further define the reference data in a manner consistent with the descriptions above. FERRIS does not disclose or suggest these features of the reference data, and particularly that any transaction history is “*particular to the information unit selected by the information recipient and additional to the identifying data received by the information manager, and is stored in the database in association with the identifying data independent of the selection of the information unit by the information recipient*” (emphasis added), as recited in these claims. That is, a transaction history is not disclosed in FERRIS to be “additional to identifying data” while also being “associated with and defining features of the information unit selected by the information recipient” as recited in underlying claim 50 (i.e., underlying to claim 86). Further, any transaction history in FERRIS is inherently not stored independent of a selection of an

information unit by the information recipient, as any such independence would nullify the use of a transaction history as either a transactional or historical record.

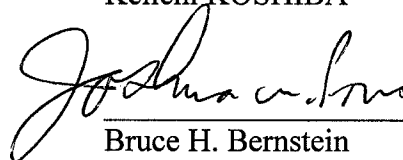
Accordingly, FERRIS does not disclose or suggest each and every feature recited in claims 86-89, as would be required for the rejection of these claims under 35 U.S.C. §102(e), or alternatively under 35 U.S.C. §103(a), over FERRIS, to be proper. At least for each and all of the reasons set forth above, claims 86-89 are not disclosed or suggested by the teachings of FERRIS. Accordingly, the rejection of claims 86-89 over FERRIS is improper and should be withdrawn.

(8) CONCLUSION

Each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. §102 and 35 U.S.C. §103(a), and the present application and each pending claim thereof is allowable over the prior art of record. Accordingly, the Board of Patent Appeals and Interferences is respectfully requested to reverse the Examiner's decision to reject claims 50-51, 54-75 and 84-89.

If there are any questions about this application, any representative of the U.S. Patent and Trademark Office is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Keiichi KOSHIBA



Joshua M. Povsner
Reg. #42,088

Bruce H. Bernstein
Reg. No. 29,027

March 26, 2009
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

CLAIMS APPENDIX

50. A data management method, comprising:

providing a plurality of information units, each information unit being a part of a broadcast program and carrying information representing one of various items in said broadcast program, said broadcast program being provided to an information recipient by a unidirectional communication from an information provider;

receiving, at an information manager from a first communications device associated with an information recipient, and independently of a second communications device distinct from the first communications device, an information recipient verification data that identifies the information recipient and identifying data particular to and distinctly identifying an information unit selected by the information recipient, the identifying data being stored in a database in association with the information recipient verification data when the information manager receives the identifying data and information recipient verification data, and the identifying data being linked in the database to reference data associated with and defining features of the information unit selected by the information recipient; and

permitting access to the information manager from the second communications device independently of the first communications device,

wherein, upon sending the information recipient verification data from the second communications device to the information manager, the database enables access from the second communications device to the identifying data associated to said information recipient verification data, and in turn, to the reference data linked to the identifying data, over a path different from a path over which the information manager receives the information recipient verification data and identifying data from the first communications device.

51. The data management method of claim 50,
wherein the information unit from the information provider is received at the first communication device.

Claims 52-53

54. The data management method of claim 50,
wherein the information recipient verification data and the identifying data are received from the first communications device based on a signal received from a remote controller generated when the information recipient selects the information unit, and
wherein the remote controller comprises a plurality of information designating buttons for separate individuals, each information designating button corresponding to a different information recipient verification data.

55. The data management method of claim 50,
wherein the information unit is received by and presented to the information recipient using a information unit receiving device, and
wherein a portable controller is used to select the information unit.

56. The data management method of claim 50,
wherein the information recipient verification data comprises one of a personal identification that uniquely identifies an individual information recipient, and a group identification that identifies a group of associated individual information recipients.

57. The data management method of claim 50,

wherein the identifying data comprises at least one of a time when the information recipient selects the information unit, and a channel by which the information recipient receives the information unit.

58. The data management method of claim 50,

wherein the identifying data comprises codes which identify the selected information unit, the codes being applied to the information unit prior to the information unit being provided to the information recipient.

59. The data management method of claim 50,

wherein the reference data comprises at least one of detailed information which describes the selected information unit and detailed information which describes a subject of the selected information unit.

60. The data management method of claim 50,

wherein the reference data comprises at least one of date indicating information which indicates a date when the information unit is selected, a program indicating information which indicates an identity of the selected information unit as a media program, a program genre indicating information which indicates a genre of the selected information unit, a region indicating information which indicates a region in which the selected information unit is selected, and a sponsor indicating information which identifies a sponsor of the selected information unit.

61. The data management method according to claim 50,

wherein the reference data comprises at least one of date indicating information, program indicating information, program genre indicating information, region indicating information, and sponsor indicating information,

wherein at least one of the date indicating information, the program indicating information, the program genre indicating information, the region indicating information, and the sponsor indicating information is retrieved by the second communications device as at least one retrieval key using the information manager, and

wherein the at least one retrieved retrieval key is displayed on the second communications device in order based on frequency of usage.

62. The data management method of claim 50,

wherein the information unit comprises at least one of audio information and video information.

63. The data management method of claim 50,

wherein the information unit comprises information included in printed material.

64. The data management method of claim 50,

wherein the information unit comprises at least one of broadcast information, aired information, and information disclosed at an event.

65. The data management method of claim 50, further comprising:

storing in the database, by the information manager, the information recipient verification data and the identifying data.

66. The data management method of claim 50,

wherein the information recipient verification data and the identifying data are stored in the database by an apparatus external to the information manager.

67. The data management method of claim 50, further comprising:

storing in the database, by the information manager, the reference data.

68. The data management method of claim 50,

wherein the reference data is stored in the database by an apparatus external to the information manager.

69. The data management method of claim 50,

wherein the reference data is added to the information unit prior to the information unit being selected by the information recipient.

70. The data management method of claim 50,

wherein the information manager calls at least one of the information unit and the reference data upon receiving the information recipient verification data and the identifying data,

the called at least one of the information unit and the reference data being stored in the database in association with the information recipient verification data.

71. The data management method of claim 50, further comprising:
receiving the information unit at the information manager; and
storing the information unit in the database by the information manager.

72. The data management method of claim 50, further comprising:
receiving the information unit at the information manager,
wherein the information unit is stored in the database by an apparatus external to the information manager.

73. The data management method of claim 50,
wherein the information recipient receives the information unit using at least one of a set top box and a television receiver.

74. The data management method of claim 50,
wherein the information recipient verification data comprises one of a code particular to an information unit receiving device, a code particular to an identifying data transmission device, and a code particular to the information recipient who selects the information unit.

75. An information manager that receives, from a first communications device associated with an information recipient, and independently of a second communications device distinct from the first communications device, an information recipient verification data that identifies the information recipient and an identifying data particular to and distinctly identifying an information unit selected by the information recipient, a plurality of information units being provided to the information recipient as a part of a broadcast program by a unidirectional communication from an information provider and carrying information representing one of various items in the program, the identifying data being stored in a database in association with the information recipient verification data when the information manager receives the identifying data and information recipient verification data, and the identifying data being linked in the database to reference data associated with the information unit selected by the information recipient, the information manager permitting access from the second communications device independently of the first communications device,

wherein, upon sending the information recipient verification data from the second communications device to the information manager, the database enables access from the second communications device to the identifying data associated to said information recipient verification data, and in turn, to the reference data linked to the identifying data over a path different from a path over which the information manager receives the information recipient verification data and identifying data from the first communications device.

84. A data management method, comprising:

providing a plurality of information units, each information unit being a part of a broadcast program and carrying information representing one of various items in the program,

said broadcast program being provided to an information recipient by a unidirectional communication from an information provider;

selecting an information unit by the information recipient associated with and using a first communications device distinct from a second communications device;

transmitting from the first communications device to the information manager independently of the second communications device, when the information recipient selects the information unit, an information recipient verification data that identifies the information recipient and an identifying data particular to and distinctly identifying each selected information unit selected by the information recipient;

storing in a database, by one of the information manager and an external device, the identifying data transmitted to the information manager, when the information manager receives the identifying data, the database associating reference data linked to the identifying data with at least one information recipient verification data that identifies an information recipient; and

accessing the information manager from the second communications device independently of the first communications device,

whereby the database enables identification of reference data linked to the identifying data of the selected information unit in the database, and transmission of the reference data to the second communications device over a path different from a path over which the first communications device transmits the identifying data to the information manager.

85. A data management system, comprising:

an information provider that provides a plurality of information units, each information unit being a part of a broadcast program and carrying information representing one of various

items in the program, said broadcast program being provided to an information recipient by a unidirectional communication from the information provider;

a first communications device associated with the information recipient and transmitting independently of a second communications device distinct from the first communications device, when the information recipient selects the information unit, an information recipient verification data that identifies the information recipient and an identifying data particular to and distinctly identifying each selected information unit;

an information manager that receives the information recipient verification data and the identifying data, particular to and distinctly identifying each selected information unit, from the first communications device;

a database that stores, by one of the information manager and an external device, the identifying data transmitted to the information manager, when the information manager receives the identifying data, the database associating reference data linked to the identifying data with at least one information recipient verification data that identifies an information recipient,

wherein the information manager is accessible from the second communications device independently of the first communications device, and

wherein the database enables identification of reference data linked to the identifying data of the selected information unit in the database, and transmission of the reference data to the second communications device over a path different from a path over which the first communications device transmits the information recipient verification data and identifying data to the information manager.

86. The data management method of claim 50,
wherein the reference data is particular to the information unit selected by the
information recipient and additional to the identifying data received by the information manager,
and is stored in the database in association with the identifying data independent of the selection
of the information unit by the information recipient.

87. The data management system of claim 75,
wherein the reference data is particular to the information unit selected by the
information recipient and additional to the identifying data received by the information manager,
and is stored in the database in association with the identifying data independent of the selection
of the information unit by the information recipient.

88. The data management system of claim 84,
wherein the reference data is particular to the information unit selected by the
information recipient and additional to the identifying data received by the information manager,
and is stored in the database in association with the identifying data independent of the selection
of the information unit by the information recipient.

89. The data management system of claim 85,
wherein the reference data is particular to the information unit selected by the information
recipient and additional to the identifying data received by the information manager, and is
stored in the database in association with the identifying data independent of the selection of the
information unit by the information recipient.

P19702.A40

EVIDENCE APPENDIX

None

P19702.A40

RELATED PROCEEDING APPENDIX

None